IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 2049 OF 2007

Sayaji U Ba Khin Memorial Trust.... Petitioner

versus

Maharashtra Rajya Kamgar
Sangh (INTUC) & ors. ..... Respondent.

Mr. J.P.Cama Sr. advocate with Sanjay Udeshi i/b
Sanjay Udeshi & Co. for the petititoner
Mr. L.R. Mohite for respondent no.1.

CORAM; A.P. DESHPANDE, J.
DATED; 28TH MARCH, 2007

P.C.;

1. The interlocatory order passed by the Labour court holding that the present petitioner is an industry covered by section 2(j) of the Industrial Dispute Act came to be challnged by the petitioner by filing a revision before the Industrial court and the Industrial court relying on the ratio laid down in **Cooper Engineering's case reported in 1975 SC page 1900,** has declined to interfere with the order, leaving it open for the petitioner to call in question the correctness of the said finding after the final adjudication. It is this order passed by the Industrial court, which is assailed in the present writ petition.

2. The learned Senior advocate Shri Cama appearing on behalf of the petitioner has submitted that the issue raised is to the jurisdiction of the court and as such interference at the hands of this court is necessary at this stage.

3. Per contra the leanred counsel for the respondent submits that the issue can be agitated by the petitioner after the final adjudication and this court ought not to interfere with the interlocatory order passed by the labour court as the same is bound to obstruct the adjudication of the Industrial dispute before the labour court. Placing reliance on the judgment of the Apex court in Cooper Engineering's case, the counsel for the respondent has submitted that the Industrial court has declined to interfere with the order under challenge in revision and has left the question open to be agitated after final adjudication. I see no reason to interfere with the said order at this stage. However, it is made clear that the correctness of the finding that the petitioner is an industry can be challenged by the petitioner after final adjudication of the complaint by the labour court.

4. Both the learned counsel appearing for the respective parties make a joint prayer for disposal of

the complaint as expeditiously as possible. Having regard to the facts of the present case, I deem it appropriate to direct the labour court to decide the complaint as expeditiously as possible and preferably within six months from today.

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